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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/270,461	03/15/1999	JONATHAN D. BUCKLEY		2532

7590

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EXAMINER

SHIMIZU, MATSUICHIRO

ART UNIT	PAPER NUMBER
2635	14

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/270,461

Applicant(s)

BUCKLEY ET AL.

Examiner

Matsuichiro Shimizu

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 March 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15, 16 and 19-24 is/are rejected.
- 7) ☒ Claim(s) 17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

The examiner acknowledges amended claims 15-17.

***Response to Arguments***

1. Applicant's arguments with respect to claims 15-17 have been considered but are moot in view of the new ground(s) of rejection.

Therefore, the rejection of claims 15-24 is as follows:

***Claim Rejections – 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Art Unit: 2635

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 15-16, 19, 21-22 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Fuchs (6,293,039).

Regarding claim 15, Fuchs discloses a safety system for a firearm (col. 1, lines 6-8, handguns), the firearm having a trigger and a handgrip located rearward of the trigger, the safety system comprising:

the blocking assembly, located forward of the trigger, including a motor, a gear train driven by the motor (Fig. 1, col. 2, lines 47-67, a gear train 28) and a pin (Fig. 1, col. 2, lines 47-67, a pin 33) moveable by the gear train so that the pin directly contacts and prevents operation of the trigger (Fig. 1, col. 2, lines 10-67, the trigger 14) when the blocking assembly is activated;

a power source (Fig. 1, col. 2, lines 10-67, battery 23) to supply power to the safety system; and

a power control unit (Fig. 1, col. 2, lines 10-67, control units 24 and 26), electrically connected to the blocking assembly and the power source, to control power supply from the power source to the blocking assembly (Fig. 1, col. 2, lines 10-67, locking element 33) to activate the blocking assembly.

Regarding claim 16, Fuchs continues, as disclosed in claim 15, to disclose the blocking assembly further comprises: an output shaft connected to the gear train to translate a rotary output of the gear train to an axial movement of the pin (Fig. 1, col. 2, lines 10-67, a pin 33).

Regarding claim 19, Fuchs continues, as disclosed in claim 15, to disclose the power control unit comprises: a keypad assembly having a plurality of buttons capable of receiving an entry of a predetermined sequence code (Fig. 1, col. 2, lines 10-67, a keypad with a plurality of buttons 21; PIN code being inputted via buttons).

Regarding claims 21-22, Fuchs teaches the power control unit comprises: a biometric identity device capable of receiving an entry of a biometric identifying data and the biometric identity device is fingerprint reader (col. 3, lines 24-35, a fingerprint scanner and the locking mechanism is unlocked via power activation of motor upon fingerprint matching).

Regarding claim 24, Fuchs discloses the safety system for a firearm of claim 15, wherein the power source comprises: an expendable battery (Fig. 1, col. 2, lines 10-67, battery 23 being replaced).

***Claim Rejections – 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2635

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuchs in view of Kaminski (6,237,271).

Regarding claims 20 and 23, Fuchs continues, as disclosed in claims 19 and 21, to disclose the power control unit associated with control unit and electronic memory (Fig. 1, col. 2, lines 10-67, control unit 24 actuate an actuator device associated with blocking assembly upon code matching; col. 2, lines 47-67, control unit 24, electronic

Art Unit: 2635

memory 25 containing code). But Fuchs does not teach the power control unit further comprises: at least one microprocessor, responsive upon a correct entry of the predetermined sequence code, to allow the power source to activate the blocking assembly.

However, Kaminski teaches, in the art of handgun safety system, the power control unit further comprises: at least one microprocessor (col. 5, lines 39–41, microprocessor within controller 138), responsive upon a correct entry of the predetermined sequence code (col. 6, lines 4–40, activating block assembly upon code matching), to allow the power source to activate the blocking assembly for the purpose of providing gun safety. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the power control unit further comprises: at least one microprocessor, responsive upon a correct entry of the predetermined sequence code, to allow the power source to activate the blocking assembly via motor activation in the device of Fuchs because Fuchs suggest control unit to activate the blocking assembly and Kaminski teaches the power control unit further comprises: at least one microprocessor, responsive upon a correct entry of the predetermined sequence code, to allow the power source to activate the blocking assembly via motor activation for the purpose of providing gun safety.

*Allowable Subject Matter*

Claims 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Said trigger of said firearm has two apertures with one of said apertures receiving said pin when said trigger is in its cocked position and the other of said apertures receiving said pin when said trigger is in its uncocked position upon activation of said axial moving means, as claimed in dependent claims 17-18 are not taught nor suggested by the prior art of record.



Art Unit: 2635

*Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is (703) 306-5841. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703-305-4704). The fax phone number for the organization where this application or proceeding is assigned is (703-305-3988).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu

April 7, 2003



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